



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

June 9, 2020

Action stayed for 30 days. USAO and Stephen Cha-Kim granted leave to withdraw as counsel to the named Deputy United States Marshals.

SO ORDERED.

Dated: 6/10/2020

P. Kevin Castel  
United States District Judge

**By ECF**

The Honorable P. Kevin Castel  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Rosa et al. v. United States et al.*, 19 Civ. 2473 (PKC)

Dear Judge Castel:

This Office represents the Defendants in this action brought under the Federal Tort Claims Act against the United States and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against several Deputy United States Marshals (“DUSMs”). Fact discovery in this matter is scheduled to conclude on August 28, 2020. I write respectfully to inform the Court that pursuant to 28 C.F.R. § 50.15(a), the Department of Justice has determined that the defendant DUSMs should retain separate counsel, to be provided at the Government’s expense.

Accordingly, in order for separate counsel to be retained forthwith, Defendants respectfully request that the action be stayed for 30 days, or earlier if each of the individual defendants have obtained counsel prior to that date, with respect to the defendant DUSMs. Document discovery would continue with respect to Plaintiffs’ claims against the United States, to ensure that once separate counsel has appeared, all parties will be in a position to swiftly complete depositions and expert discovery.

Finally, Defendants respectfully request that the Court enter an order allowing the undersigned and this Office to withdraw as counsel for the defendant DUSMs pursuant to Local Rule 1.4. Given that “discovery is not complete and the case is not presently scheduled for trial,” granting this motion and allowing the defendant DUSMs to retain separate counsel “will not likely cause undue delay.” *Whiting v. Lacara*, 187 F.3d 317, 321 (2d Cir. 1999) (citation omitted). Should the Court so require, the Government is prepared to submit an *ex parte* affidavit in support of the motion to withdraw.

Counsel for Plaintiffs consents to the request for a stay pending the individual DUSMs’ retention of counsel.

Thank you for your consideration of these requests.

Respectfully,

GEOFFREY S. BERMAN  
United States Attorney

By: /s/ Stephen Cha-Kim  
STEPHEN CHA-KIM  
Assistant United States Attorney  
(212) 637-2768  
stephen.cha-kim@usdoj.gov